

## Interview Summary

Application No.

09/492,590

Applicant(s)

CARTENS, CARSTEN-PETER

Examiner

Gerald G Leffers Jr.

Art Unit

1636

All participants (applicant, applicant's representative, PTO personnel):

(1) Gerald G Leffers Jr; Robin Walker.

(3) Kathleen Williams.

(2) George Elliott; Mathew Fedowitz.

(4) Mark Fitzgerald.

Date of Interview: 30 July 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: all pending.

Identification of prior art discussed: Del Tito et al.

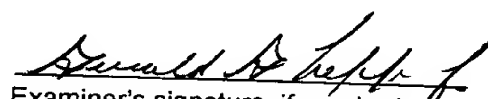
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

*Interview Summary Continuation Sheet*

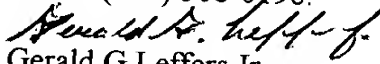
**Continuation of Substance of Interview:** Ms. Williams requested an interview with the examiner and a SPE or Biotech Practice Specialist (Mr. Elliott). Mr. Fedowitz and Ms. Walker are summer interns whose presence was requested by Mr. Elliott. Ms. Williams agreed to their presence during the interview. Various issues concerning the argument of commercial success were discussed. For example, the issue of whether sales numbers for Stratagene's BL21 and BL21(DE3) competent cells were relevant in determining the degree of success shown by the data presented in the two Buchanan declarations of record. Also, the latest response was discussed (i.e. the sales data for cells comprising the 3 tRNA gene array versus cells comprising the 2 tRNA gene array). Ms. Williams was notified that the evidence presented to date is not so convincing as to establish the nonobviousness of the claimed invention over Del Tito, and that whatever success that may have been demonstrated is not commensurate in scope with claimed invention.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald G Leffers Jr. whose telephone number is (703) 308-6232. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel can be reached on (703) 305-1998. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7939 for regular communications and (703) 305-7939 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

  
Gerald G Leffers Jr.  
Examiner  
Art Unit 1636